

Kevin R. Anderson (4786)
Tami Gadd-Willardson (12517)
Ryan C. Cadwallader (13661)
Sarah L. Olson (14006)
OFFICE CHAPTER 13 TRUSTEE
405 So. Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: kratrusteeemail@ch13kra.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
SOUTHERN DIVISION**

In re: JOSEPH E GUBLER SHERRIE GUBLER Debtors.	Case No. 15-21889 Chapter 13 Hon. William T. Thurman <i>Hearing April 27, 2015 at 10:00 a.m.</i>
---	---

**TRUSTEE'S RESPONSE TO DEBTORS' MOTION
TO SHORT-SALE REAL PROPERTY**

Kevin R. Anderson, Chapter 13 Trustee, by and through counsel, hereby responds to the above-referenced Motion as follows:

1. As of the date of this response, the Debtors are current on plan payments. The Debtors' 341 Meeting is scheduled for April 17, 2015 and Confirmation of the Debtors' plan is currently set for May 28, 2015.
2. The Motion indicates that the Debtors are attempting a short sale of the residence, which is subject to the approval of the lien holders.
3. The Trustee questions whether the sale of the property is to a disinterested party.
4. The documentary evidence indicates that a portion of the sales proceeds will be

used to pay a real estate commission. Unless an Affidavit of Disinterestedness and Application for Employment are filed with the Court prior to the hearing, the Trustee objects to the Motion.

5. The Trustee shall be allowed a fee on any prepetition mortgage arrearages, taxes or other encumbrances that are paid directly by the closing agent that otherwise would have been paid by the Trustee through the Plan. The Trustee shall be entitled to immediate payment of such fee based on the distribution to these creditors.

6. If the Court grants the Motion, the Trustee requests a copy of the settlement statement and/or closing documents within three days of the loan closing.

7. It does not appear that Counsel has requested any additional fees and costs in connection with this Motion or through a separate application.

WHEREFORE, the Trustee objects to entry of an Order granting the relief requested in the Motion.

DATED: April 6, 2015.

/s/ Ryan C. Cadwallader
RYAN C. CADWALLADER
Attorney for Chapter 13 Trustee

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing paper was served on the following person on April 6, 2015

RYAN E. SIMPSON
ECF Notification

/s/ M. Moses
Office of the Chapter 13 Trustee